S.B. CRIMINAL REVISION PETITION NO.995/2006
(Harish Kumar Vs. Satram Das)

Date of order : 2.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. A.K. Acharya, for the petitioner.

Heard learned counsel for the petitioner and gone through the impugned order.

Learned trial court has rejected the application filed by the petitioner under Section 91 of Code of Criminal Procedure for summoning certain documents. In this case, the complainant admits that he has not shown the amount in his income tax return. Therefore, while taking into account this fact, the the application filed under Section 91 Cr.P.C. was rejected.

Learned counsel for the petitioner has invited the attention of this Court towards the judgment rendered by this Court in case of Pradeep & Ors. Vs. State of Raj., reported in 1994 (3) Crimes 858 and contended that at any stage, the application for production of documents can be filed.

It is not in dispute that no application can be filed by the petitioner under Section 91 Cr.P.C. at any stage but in the facts and circumstances of the

case, it is categorically stated in the order by the learned trial Magistrate that complainant admits that the said amount was not shown in the income tax return as such no other documents is required to be produced . Therefore, in my opinion, the reasons, which are given for rejecting the application are well founded.

In the circumstances, I see no reason to interfere with the order impugned. Accordingly, the revision petition is dismissed.

(GOPAL KRISHAN VYAS), J.

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